

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

MARSHALL BURGESS, JR.,

Plaintiff,

v.

BRIAN E. SANDOVAL, *et al.*,

Defendants.

3:12-cv-00085-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#88<sup>1</sup>) entered on April 23, 2013, recommending denying Plaintiff's Emergency Motion to Be Able to Make and Be Heard on an Oral TRO/Preliminary Injunction About Prison Condition on November 27, 2012 at 1:30 pm (#59) filed on November 16, 2012. No objections to the Report and Recommendation were filed. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation

<sup>1</sup>Refers to court's docket number.

1 (#88) entered on April 23, 2013, should be adopted and accepted, with the modification of adding the  
2 word “not” on page 8, line 7, between the word “has” and the word “provided”.

3 IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation (#88)  
4 entered on April 23, 2013, is adopted and accepted, and is modified as per this Order, and Plaintiff’s  
5 Emergency Motion to Be Able to Make and Be Heard on an Oral TRO/Preliminary Injunction About  
6 Prison Condition on November 27, 2012 at 1:30 pm (#59) is DENIED.

7  
8 IT IS SO ORDERED.

9 DATED this 29th day of June, 2013.



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11 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE